

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MICHAEL LANNING,

Plaintiff,

v.

Case No. 2:05-cv-237
HON. R. ALLAN EDGAR

UNKNOWN SHARRETT,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On March 9, 2006, defendant filed a motion to dismiss for failure to establish exhaustion of administrative remedies. Plaintiff has filed correspondence, dated September, 15, 2006, in which he requests that this case “be dismissed with prejudice.” Accordingly, it is recommended that this case be dismissed with prejudice.¹

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal.

¹ The dismissal of a complaint, even a voluntary dismissal, does not eliminate a prisoner's obligation to pay the required filing fees. 28 U.S.C. § 1915(b)(1) compels the payment of the respective fees at the moment the complaint is filed. A subsequent dismissal does not negate this financial responsibility. *McGore v. Wigglesworth*, 114 F.3d 601, 607-08 (6th Cir. 1997); *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1133-34 (6th Cir. 1997).

United States v. Walters, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: September 18, 2006